

REMARKS

Applicant has reviewed the Examiner's rejections and has amended the claims so as to overcome the rejections of the Examiner and so as to place the case in condition for allowance at the present time.

The Examiner has objected to the disclosure based on the contention that the section headings do not adequately label some of the required sections. Applicant has added a number of section headings, namely, BACKGROUND OF THE INVENTION; SUMMARY OF THE INVENTION; BRIEF DESCRIPTION OF THE DRAWINGS; DETAILED DESCRIPTION OF THE DRAWINGS and CLAIMS. Additionally, Applicant has deleted the non-conventional STATEMENT OF INVENTION and EMBODIMENTS. Applicant submits that the changes overcome the objections of the Examiner.

The Examiner has objected to the drawings. In particular, the Examiner has objected to Figures 3B and 4 as being linked; Figures 11A, 11B and 11C as being linked and Figures 12A and 12B as being linked. Applicant has amended each of these figures so as to remove any instances of linking between the drawings figures. Replacement sheets, appropriately identified are attached hereto for each of the three instances identified above. Accordingly, this objection has been overcome.

Applicant has cancelled all claims after claim 9, leaving a single independent claim. This independent claim has been amended as have several of the dependent claims. Applicant submits that, for the reasons identified below, the claim defines over the prior art of record.

The Examiner has rejected claims 1, 4-11, 14-15 and 27-29 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,265,753 issued to Moorman. The Examiner has further

rejected claims 2-3 and 12-13 under 35 U.S.C. §103(a) as being unpatentable over the ‘753 patent in view of U.S. Pat. No. 4,815,631 issued to Eeg et al.

In response thereto, Applicant has amended the claims so as to more particularly claim the present invention. In particular, Applicant has specifically claimed a method of assembly wherein a bag element and a carton element and a retention collar are specifically provided. The carton is wrapped around the bag with the spout extending through a collar aperture. The retention collar is coupled to the spout after it is extended through the collar aperture so as to be on opposing sides of the carton and so as to be captured to the container, as the retention collar is sized so as not to extend through the collar aperture. Such a configuration can be flat-packed.

With respect to claim 4, the filling of the bag itself (with air or another fluid, such as wine, oil, or the like) expands the bag and articulates the carton, while the retention collar is retained to maintain hold of the overall BIB. Finally, the upper and lower carton flaps are sealed to complete the container. Applicant submits that the fluid in this step may comprise air, to, for example inflate the bag element prior to filling with another fluid. Applicant has additionally added a further claim, namely claim 39, to address the filling of the bag with air to test integrity and to articulate the container, and subsequent filling with a fluid.

Applicant submits that the prior art ‘753 patent is directed to a flexible container that is inserted into an outer carton. Applicant submits that the ‘753 patent does not disclose or suggest a retention collar, or the particular carton element with a collar aperture. As a result, at least the steps of extending and securing are not disclosed nor suggested by the prior art ‘753 patent.

Applicant submits that the top flap 7 does not comprise a retention collar as specifically claimed. The retention collar is placed on the outside of the carton element, upon extension of

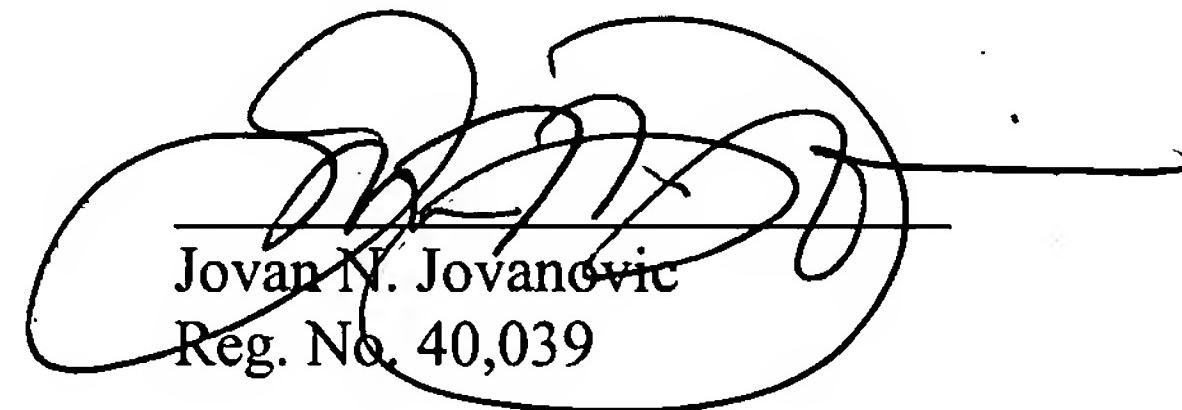
the spout through the collar aperture. No such structures exist on the '753 patent. Furthermore, the formed container of the '753 patent is not suitable for flat-pack configurations.

In light of the foregoing, Applicant submits that the remaining claims, namely claims 1 through 9 and 39 should be deemed allowable at the present time. Reconsideration and passage to allowance is respectfully solicited.

If any other charges or fees must be paid or credited in connection with this communication, they may be paid or credited out of Deposit Account No. 50-4229.

Should anything further be required, a telephone call to the undersigned at (616) 797-1000 is respectfully solicited.

Respectfully submitted,



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